

Court of Appeals, State of Michigan

ORDER

People of MI v Daniel Louis Remsing

Docket No. 284668

LC No. 06-128659-FH

William C. Whitbeck
Presiding Judge

Peter D. O'Connell

Patrick M. Meter
Judges

In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court orders that the motion to remand for resentencing is GRANTED.

Defendant's sentence resulted from an error in the application of the sentencing guidelines. Defendant's offense variable score of 25 points places him at OV Level III, and results in a minimum sentence range of 19 to 38 months under the guidelines. The sentence imposed constituted an upward departure from the guidelines, for which no substantial and compelling reasons were articulated. On remand, the trial court may impose a sentence outside the sentencing guidelines, if the court finds and states on the record substantial and compelling reasons to do so. MCL 769.34(3); *People v Babcock*, 469 Mich 247, 255-256; 666 NW2d 231 (2003).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 27 2008

Date

Sandra Schultz Mengel
Chief Clerk